IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

INSOLVENCY PETITION NO. 70 OF 1999
Petition dated 8.11.2005

Re.: Aries Corporation ... Insolvents

Union Bank of India ... Petitioning Creditor

Punjab & Sindh Bank ... Petitioner

Mr. Kirit Modi i/by Haridas & Co. for the petitiner.

Mr. P.V. Shah for the Petitioning Creditor.

Mr. Mehul Shah for the Insolvent.

Mr. Y.C. Parikh, Official Assignee present.

CORAM: P.V. KAKADE, J.

DATED: 20TH DEC., 2005

P.C.:

1. Heard learned counsel for the petitioner as well as the insolvent. Perused the record.

2. It is to be noted that the leave to join the Official Assignee to the proceeding is already granted. Now this petition is filed to seek permission under Sec. 17 of the Presidency Towns Insolvency Act, 1909 to continue and prosecute the original application No. 312 of 2004 filed by the petitioner in the Debt Recovery

Tribunal and further seeking declaration that the order dated 26.9.2005 passed by the Presiding Officer of the Debt Recovery Tribunal is valid and subsisting.

3. In my considered view, the declaration cannot be granted at this stage, however, the prayer in that regard has to be modified. The remaining petition is required to be allowed.

Hence, the petition is made absolute in terms of prayer clauses (a) & (b) with direction that the Official Assignee who has already joined to the proceeding, shall appear before the Debt Recovery Tribunal and take necessary legal steps as required under law in the said proceeding pertaining to the dispute.

The issue of limitation is left open.

With these directions, the petition stands disposed of with no order as to costs.

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